



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,343	02/14/2000	Brent C. Parent	65,678-0011(DCCIE 5298)	7770

10291 7590 03/26/2003

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,343

Applicant(s)

PARENT ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

Status of Claims

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16, 17, 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed to an apparatus and include in its scope a human being, however, the grant of a limited, but exclusive property right in a human being is prohibited by the Constitution.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 in view of Berent et al., U.S. Patent No. 5,774,873.

As per claims 1-7, and 10-21, Erickson teaches an electronic system for facilitating transactions comprising:

- an asset configuration unit responsive to input data provided by a first user for generating a profile of an asset (e.g. asset specification data and parameters that define a bid) (figure 1; column/line 3/43-4/5)
- a market database for storing a plurality of asset profiles and a search module configured to search the database, generate an identification of assets according to the search parameters and displaying asset specifications (figures 1 and 5; column 3, lines 43-51; column 7, lines 35-67; column 8, lines 27-38; column 9, lines 3-67)
- a bid module to allow a user to bid on an asset and a communications interface to allow remote access to the system (figure 1; column/line 13/10-14/12)
- a bid history, choosing data from bid history and use it to complete a transaction (column 1, lines 28-39; column/line 3/42-5/21)

Regarding lease, rent or purchase data, it would have been obvious to one of ordinary skill to use the Erickson system to bid on contracts for the lease, rent or

purchase of supplies using the data message feature or central database (column 9, lines 50-67; column/line 13/21-14/13) as these are well known methods for obtaining goods and services. Erickson also discloses user identification and classification data for describing a company (column 7, lines 44-67; column 9, lines 5-27 and 37-49) and a buyer searching the central database and creating a list of suppliers (column 8, lines 27-39). Hence, it would have been obvious for a company to characterize itself as a product "dealer" as it would facilitate a buyer locating and selecting a desired supplier (column 7, lines 56-62). However, Erickson does not explicitly recite maintenance information, Berent et al. teach a motor vehicle auction that includes maintenance history (column 9, lines 20-39). Berent et al. also teach bid and delivery dates (figure 7B; column 2, lines 11-14 and 22-26), as well as bid classification parameters that define classes of users allowed to bid on an asset (e.g. member class) (column 4, lines 38-52). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Erickson and Berent et al. in order to provide users with a trusted commerce system by allowing users to view vehicle history ('873, column 9, lines 20-39) along with other product information ('644, column 9, lines 50-67).

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 in view of Berent et al., U.S. Patent No.

5,774,873 as applied to claims 4 above, and further in view of Harrington et al., U.S. Patent No. 6,161,099.

As per claims 8 and 9, Erickson teaches a communications network that allows users to bid on products (abstract; figure 1; column 2, lines 56-65). In addition, as Erickson teaches providing prospective buyers with product information such as class, price and any other type of information necessary to identify a particular product (column 9, lines 38-67) it would have been obvious to provide rental, lease or purchase data. Berent et al. teach an online auction system that defines classes of users, such as those that are allowed to bid on an asset (column 4, lines 38-52). However, neither reference teaches a minimum price that a user must submit in order to define a valid bid. Harrington et al. teach an auction system that systematically validates bids according a minimum price (figure 12; column 10, lines 13-21). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Erickson, Berent et al. and Harrington et al. in order to allow a buyer to more efficiently review bids by only permitting bids that conform to a buyer's specification ('099, column 4, lines 56-67).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Shavit et al. teach an interactive marketing system comprising bids and levels of user validation and access
- Ausubel teaches an auction system that allows users to store and apply constraints on bids
- Dinwoodie teaches an auction system for reselling previously bought, rented or leased vehicles
- Godin et al. teach an auction system with a web interface where users can bid on items from a web-based catalog
- Lee teaches secret bidding for construction projects
- Alaia et al. disclose bidding on contracts, Freemarkets.com
- Takahashi et al. teach a construction work site management system and leasing construction machines

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

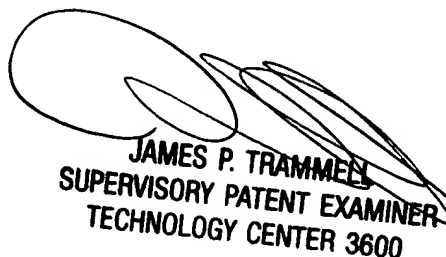
(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

March 19, 2003


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600